

ORIGINAL

Before the
Federal Communications Commission
Washington, D.C. 20554

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JUN 13 1997

Federal Communications Commission
Office of Secretary

In the Matter of)
)
Advanced Television Systems)
and Their Impact Upon the)
Existing Television Broadcast)
Service)

MM Docket No. 87-268

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To: The Commission

PETITION FOR RECONSIDERATION

Clear Channel Television Licenses, Inc. ("CCTL"), the licensee of WXXA-TV, Albany, New York, by its attorneys and pursuant to Section 1.429 of the Commission's rules, hereby respectfully requests reconsideration of the Commission's Sixth Report and Order ("Sixth R&O"), FCC 97-115, released April 21, 1997, 62 Fed. Reg. 26684 (May 14, 1997), insofar as it allocates and assigns paired channel 4 to WXXA-TV for digital television ("DTV") service.¹

Station WXXA-TV currently operates on NTSC channel 23. In the DTV Table of Allotments contained in Appendix B to the Sixth R&O, the Commission has allotted DTV channel 4 to WXXA-TV. Appended hereto as Attachment 1 is an engineering statement

¹ Throughout the course of the above-captioned proceeding, the Commission has made several modifications to the DTV Table of Allotments contained in Appendix B to the Sixth R&O. Accordingly, the impact of the assignment of DTV channel 4 to WXXA-TV could not be fully analyzed prior to the release of the Sixth R&O. Moreover, the unavailability of OET Bulletin No. 69 has prevented CCTL from fully assessing alternative DTV channel assignments. In view of CCTL's previous lack of a meaningful opportunity to address its specific DTV channel allotment, and the important public interest issues raised herein, CCTL submits that it has standing to file this petition for reconsideration pursuant to Section 1.429 of the Commission's rules.

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indicating that, based upon the information currently available, DTV channel 7 may be used instead of channel 4. It should be noted, however, that the Office of Engineering and Technology Bulletin No. 69 ("OET Bulletin No. 69"), which will clarify the Commission's methodology for evaluating coverage areas and interference, is not yet available. Without examining OET Bulletin No. 69, it is impossible for CCTL to determine with certainty all of the implications of substituting channel 7 for channel 4. Accordingly, CCTL respectfully requests that it be allowed at least ninety (90) days following the release of OET Bulletin No. 69 to supplement this petition with a full engineering study demonstrating that its proposed channel change complies with the Commission's DTV rules.

DTV channel 7 is more desirable because it would allow CCTL to avoid the business planning uncertainties inherent in the use of channel 4, which ultimately may be outside the DTV "core spectrum."² The use of channel 4 could require the forced relocation of WXXA-TV to a channel within the core spectrum at the end of the DTV transition period. However, the allotment of DTV channel 7 -- which is certainly within the core spectrum -- would eliminate the substantial additional equipment expenses and viewer confusion that WXXA-TV will otherwise have to bear if it is forced to construct a potentially "non-core" digital facility now and then relocate to the core spectrum at some point in the future.

² At the end of the DTV transition period, the Commission intends to locate all DTV channels within a "core spectrum" of either channels 2-46 or 7-51. See Sixth R&O at ¶ 83.

Accordingly, CCTL respectfully requests reconsideration of the Sixth R&O to the extent it allocates DTV channel 4 to WXXA-TV, and urges the Commission to amend the DTV Table of Allotments and assign channel 7 to WXXA-TV instead.

Respectfully submitted,

**CLEAR CHANNEL TELEVISION
LICENSES, INC.**

By:



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of

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Its Attorneys

June 13, 1997

ATTACHMENT 1

TECHNICAL STATEMENT
IN SUPPORT OF THE
PETITION FOR RECONSIDERATION OF THE
SIXTH REPORT AND ORDER IN
MM DOCKET NO. 87-268

This technical statement and associated exhibits were prepared on behalf station WXXA-TV in Albany, New York in support of a Petition for Reconsideration of the **Sixth Report and Order** in MM Docket No. 87-268 in which the Commission adopted a Table of Allotments for digital television (DTV), rules for initial DTV allotments, procedures for assigning DTV frequencies and plans for spectrum recovery. The purpose is to provide technical information concerning the current NTSC and potential DTV operations of WXXA-TV.

Station WXXA-TV currently operates on channel 23 with a directional antenna maximum visual ERP of 3020 kW (34.8 dBk) and an antenna height above average terrain (HAAT) of 366 meters (FCC File No. BLCT-820810KG). In the Sixth Report and Order in MM Docket No. 87-268 (DTV Docket), the FCC has proposed channel 4 (66-72 MHz) for WXXA-TV's DTV allotment with a maximum ERP of 1 kW (0 dBk) at the current HAAT of 366 meters. The FCC estimates the current WXXA-TV NTSC "interference-limited" Grade B contour (interference from NTSC stations only) encompasses 1,162,000 persons within 16,337 square kilometers and the proposed DTV allotment (when fully implemented) will serve 1,310,000 persons within 18,675 square kilometers. The FCC estimates that full implementation of DTV service would result in "new interference" to 0.9% of the persons within the current NTSC Grade B contour, or 10,458 persons. The FCC also indicates a 99.4% match of NTSC coverage. The

Association of Maximum Service Television, Inc. (MSTV) has indicated that the following alternate channels are available for WXXA-TV's DTV operation: 7, 51, 60, 64, 65, 66, 67, 68 and 69. We have included an analysis of channel 7 as requested. The other "alternate" channels are outside the "core" spectrum (see below).

The "core" band used for the development of the DTV table of allotments encompasses channels 2-51. As noted in the DTV Docket, although TV operations on the lower VHF channels (2-6) offer superior propagation characteristics, they are also prone to interference from leaky power lines, vehicle ignition systems and other impulse noise sources as well as interference from FM radio service. If the lower VHF channels are acceptable for DTV use, the FCC will consider retaining these channels for DTV and adjusting the core spectrum to encompass channels 2-46 instead of channels 7-51. The FCC will also permit stations "flexibility" to switch their DTV service to their existing NTSC channel (23) at the end of the transition if they desire and the channel is within the final DTV core spectrum (it will be). In other words, WXXA-TV could utilize channel 4 for its DTV operation during the transition and relocate back to channel 23 for its ultimate DTV operation.

Figure 1 is a separation study for DTV channel 4 which was conducted from the licensed WXXA-TV site based on the minimum distance separation requirements applicable to "new" DTV allotments adopted DTV Docket. Figure 2 is a separation study for DTV channel 7.

Figure 3 is a map which depicts the Grade B contour (64 dBu) based on the licensed WXXA-TV facilities and the DTV noise-limited (28 dBu) contour based on the facilities authorized by the FCC in the DTV Docket.

Using a DTV interference analysis program available through NTIA, we have determined the predicted service and interference for WXXA-TV's current NTSC and proposed DTV operations. Figure 4 is a map developed based on WXXA-TV's current facilities which depicts areas where WXXA-TV's current NTSC interference limited signal, calculated using the Longley-Rice methods, would be at least 64 dBu (Grade B, clear areas), areas where existing NTSC interference is predicted to occur (areas shaded with a "+"), areas where proposed DTV interference are predicted to occur (areas shaded with a "•"), and areas where the NTSC terrain limited signal would be less than 64 dBu (areas shaded with a "0"). The following stations are calculated to cause interference within the WXXA-TV Grade B service area:

| Call/Location | NTSC/DTV Channel | Interference Area (sq. km) |
|-----------------------|------------------|----------------------------|
| WHSB, Marlborough, MA | DTV-23 | 56 |
| WWLP, Springfield, MA | NTSC-22 | 71 |
| WNJS, Camden, NJ | NTSC-23 | 3 |
| WNYT, Albany, NY | DTV-15 | 49 |
| WHSI, Smithtown, NY | DTV-23 | 3 |
| WTEN, Albany, NY | DTV-26 | 9 |

Figure 5 is a map depicting the areas where the WXXA-TV DTV noise limited signal for operation on the FCC's proposed channel 4 (1 kW/366 m), calculated using the Longley-Rice methods, would be at least 28 dBu (clear

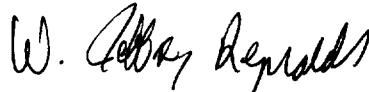
areas), areas where existing NTSC interference is predicted to occur (areas shaded with a "+"), areas where proposed DTV interference is predicted to occur (areas shaded with a "•"), and areas where the DTV terrain limited signal would be less than 28 dBu (areas shaded with a "0"). The following stations are calculated to cause interference within the DTV noise limited service area:

| Call/Location | NTSC/DTV Channel | Interference Area (sq. km) |
|----------------------|------------------|----------------------------|
| WBZ, Boston, MA | NTSC-4 | 342 |
| WMGC, Binghamton, NY | DTV-4 | 203 |
| WNBC, New York, NY | NTSC-4 | 134 |

Figure 6 is a map depicting the areas for DTV operation on MSTV's "alternate" channel 7 (3.5 kW/366 m), calculated using the Longley-Rice methods, were the signal would be at least 36 dBu (clear areas), areas where existing NTSC interference is predicted to occur (areas shaded with a "+"), areas where proposed DTV interference is predicted to occur (areas shaded with a "•"), and areas where the DTV terrain limited signal would be less than 36 dBu (areas shaded with a "0"). The following stations are calculated to cause interference within the DTV noise limited service area:

| Call/Location | NTSC/DTV Channel | Interference Area (sq. km) |
|----------------------|------------------|----------------------------|
| WHDH, Boston, MA | NTSC-7 | 188 |
| WBNG, Binghamton, NY | DTV-7 | 310 |
| WWNY, Carthage, NY | NTSC-7 | 130 |
| WABC, New York, NY | NTSC-7 | 40 |

If there are any questions concerning this exhibit, please contact the office of the undersigned.

A handwritten signature in dark ink, appearing to read "W. Jeffrey Reynolds". The signature is fluid and cursive, with the first name "W." and last name "Reynolds" being more distinct than the middle name "Jeffrey".

W. Jeffrey Reynolds

du Treil, Lundin & Rackley, Inc.
240 North Washington Blvd.
Suite 700
Sarasota, Florida 34236
(941) 366-2611

June 10, 1997

DTV -> TV Separation Study

| Call Status | City St | FCC File No. | Channel Zone | ERP(kW) HAAT(m) | Latitude Longitude | Bear. True | Dist. (km) | Req. (km) |
|----------------|--|----------------|-----------------|--------------------|-----------------------|---------------|---------------|--------------|
| WFSB | HARTFORD | | 3(+) | 100 | 41-46-30 | 132.9 | 136.72 | 11.3/114.3 |
| LIC | CT | BMLCT-841204KH | I | 276 | 72-48-20 | | 22.42 | CLEAR |
| | UTICA | | 4(-) | | 43-07-50 | 306.8 | 96.31 | 244.6 |
| ALLOC. | NY | - | I | 0 | 74-57-44 | | -148.29 | SHORT |
| | SITE RESTRICTED 13.4 MILES EAST. EFFECTIVE 6-2-88. | | | | | | | |
| WNBC | NEW YORK | | 4(o) | 17.4 | 40-42-43 | 180.1 | 211.59 | 244.6 |
| LIC | NY | BLCT-840312KG | I | 515 | 74-00-49 | | -33.01 | SHORT |
| WBZTV | BOSTON | | 4(+) | 60.3 | 42-18-37 | 97.6 | 230.82 | 244.6 |
| LIC | MA | BLCT-2095 | I | 354 | 71-14-14 | | -13.78 | SHORT |

DTV ->DTV Separation Study

| Call Status | City St | FCC File No. | Channel Zone | ERP(kW) HAAT(m) | Latitude Longitude | Bear. True | Dist. (km) | Req. (km) |
|----------------|------------|--------------|-----------------|--------------------|-----------------------|---------------|---------------|--------------|
| DWXXATV | ALBANY | | 4 | 1.00 | 42-37-01 | .0 | .00 | 244.6 |
| DTVALT | NY | | I | 366 | 74-00-46 | | -244.60 | SHORT |
| DWMGCTV | BINGHAMTON | | 4 | 1.00 | 42-03-39 | 249.4 | 170.67 | 244.6 |
| DTVALT | NY | | I | 281 | 75-56-36 | | -73.93 | SHORT |

** End of DTV Separation Study for Channel 4 **

DTV -> TV Separation Study

Job Title :WXXA - DTV CH 7

Separation Buffer 32 km

Zone : 1

FCC TV DB Date : 05/30/97

Channel 7 (174-180 MHz)

Coordinates : 42-37-01 74-00-46

| Call | City | Channel | ERP(kW) | Latitude | Bear. | Dist. | Req. |
|--------|-----------|----------------------|---------|----------|-----------|-----------|------------|
| Status | St | FCC File No. | Zone | HAAT(m) | Longitude | True (km) | (km) |
| WWNYTV | CARTHAGE | 7(-) | 316 | 43-57-16 | 317.5 | 203.69 | 244.6 |
| LIC | NY | BLCT-2160 | II | 219 | 75-43-45 | -40.91 | SHORT |
| WWNYTV | CARTHAGE | 7(-) | 316 | 43-57-16 | 317.5 | 203.69 | 244.6 |
| CP | NY | BPCT-890619KF | II | 221 | 75-43-45 | -40.91 | SHORT |
| WABCTV | NEW YORK | 7(o) | 64.6 | 40-42-43 | 180.1 | 211.59 | 244.6 |
| LIC | NY | BLCT-800730KG | I | 491 | 74-00-49 | -33.01 | SHORT |
| WHDHTV | BOSTON | 7(+) | 316 | 42-18-40 | 97.5 | 232.48 | 244.6 |
| LIC | MA | BMLCT-940831KE | I | 306 | 71-13-00 | -12.12 | SHORT |
| | | ERP AS SHOWN ON LIC. | | | | | |
| WTNH | NEW HAVEN | 8(o) | 166 | 41-25-23 | 146.2 | 159.10 | 11.3/114.3 |
| LIC | CT | BLCT-2555 | I | 369 | 72-57-06 | 44.80 | CLEAR |

** End of TV Separation Study for Channel 7 **

DTV ->DTV Separation Study

Job Title :WXXA - DTV CH 7

Separation Buffer 32 km

Zone : 1

FCC DTV DB Date: 05/09/97

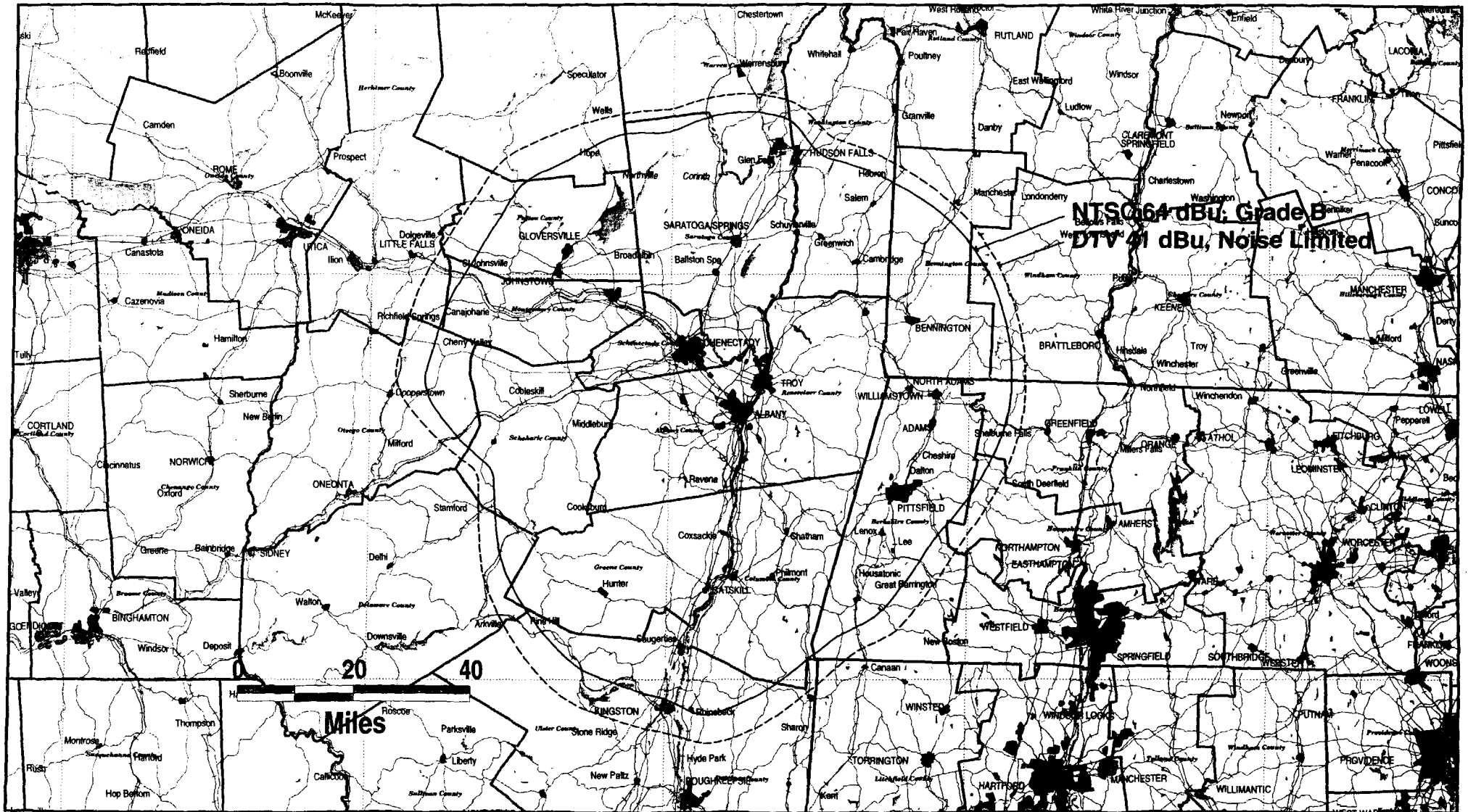
Channel 7 (174-180 MHz)

Coordinates : 42-37-01 74-00-46

| Call | City | Channel | ERP(kW) | Latitude | Bear. | Dist. | Req. |
|---------|------------|--------------|---------|----------|-----------|-----------|-------|
| Status | St | FCC File No. | Zone | HAAT(m) | Longitude | True (km) | (km) |
| DWBNGTV | BINGHAMTON | 7 | 8.20 | 42-03-33 | 249.4 | 171.38 | 244.6 |
| DTVALT | NY | I | 369 | 75-57-06 | | -73.22 | SHORT |

** End of DTV Separation Study for Channel 7 **

FIGURE 3

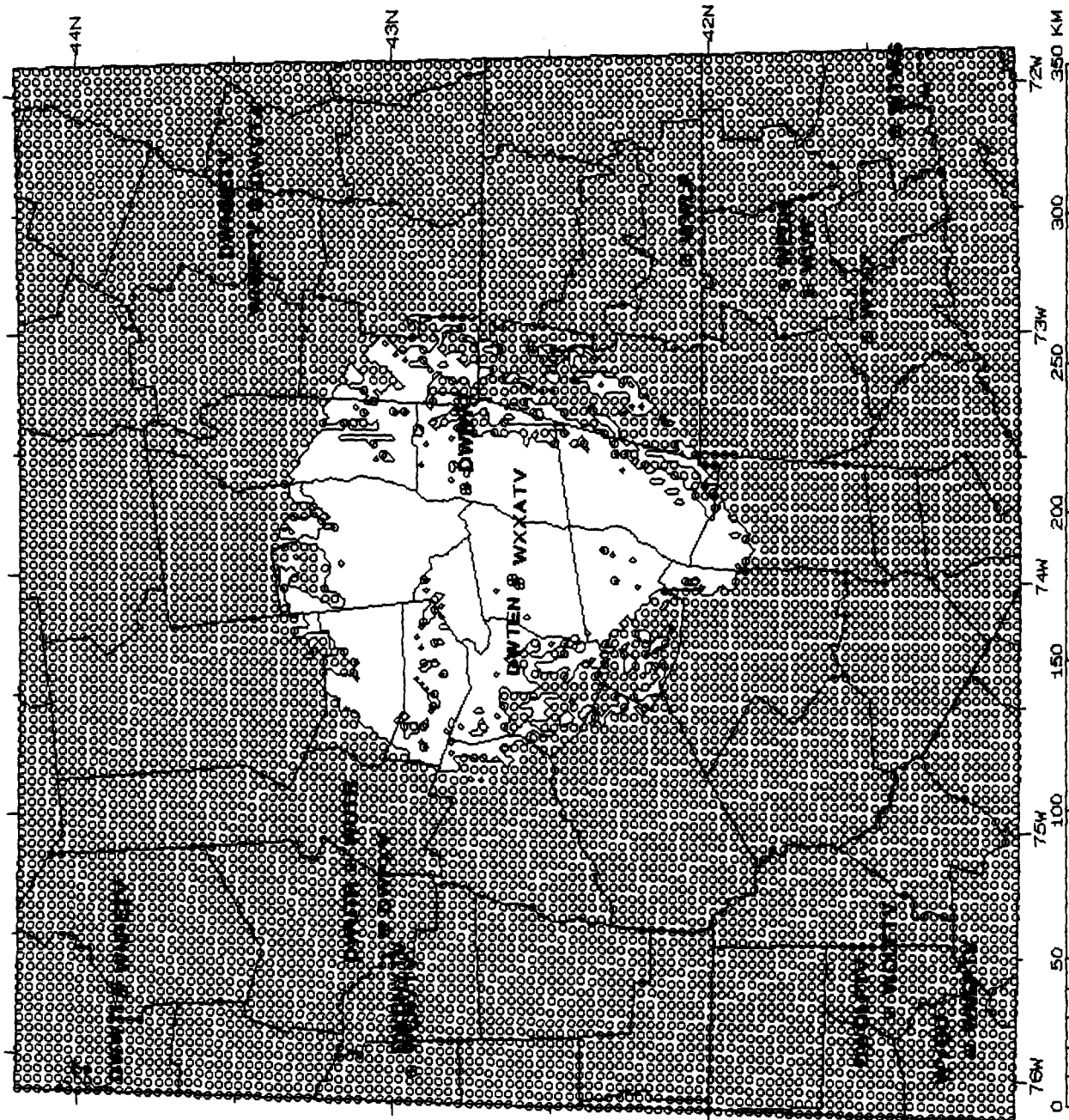


PREDICTED NTSC AND DTV COVERAGE CONTOURS
WXXA-TV, ALBANY, NEW YORK
NTSC - CH 23, ERP 3020 KW/HAAT 366 M
DTV - CH 4, ERP 1 KW/HAAT 366 M
 du Treil, Lundin & Rackley, Inc. Sarasota, Florida

TA Services
JEFF
WXXANTSC
21-Apr-97 22:41:13
RS146Jun0697Z12.ques

Signal to Interference ratio

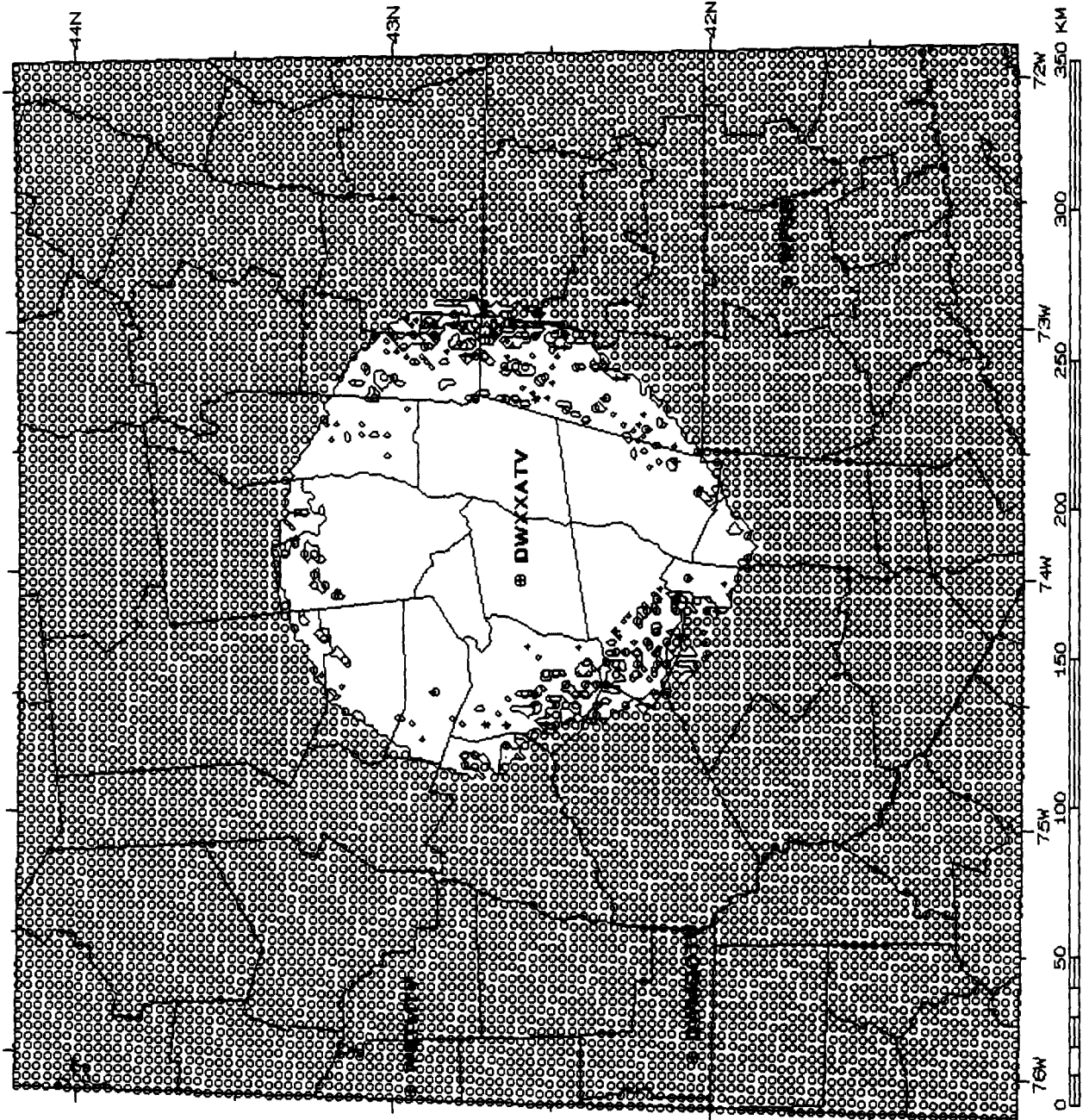
- ☐ No Interference
Area: 13250 sq km
Population: 1081000
Households: 418000
- ☐ HDTV Interference
Area: 100 sq km
Population: 4000
Households: 2000
- ☐ NTSC Interference
Area: 70 sq km
Population: 1000
Households: 0
- ☐ Signal below minimum
Area: 109150 sq km
Population: 7960000
Households: 2934000



TA Services
JEFF
WXXADTV
21-Apr-97 22:41:13
RS146Jun0697Z13ques

Signal to Interference ratio

- ☐ No Interference
Area: 10420 sq km
Population: 1246000
Households: 492000
- ☐ HDTV Interference
Area: 200 sq km
Population: 2000
Households: 1000
- ☐ NTSC Interference
Area: 450 sq km
Population: 8000
Households: 3000
- ☐ Signal below minimum
Area: 105490 sq km
Population: 7790000
Households: 2868000



WXXA - ALTERNATE DTV CHANNEL 7

Figure 6

TA Services
JEFF
DWXXA7
21-Apr-97 22:41:13
RS146Jun0697Z14.ques

Signal to Interference ratio

- ☐ No Interference
Area: 14730 sq km
Population: 1160000
Households: 450000
- ☐ HDTV Interference
Area: 290 sq km
Population: 4000
Households: 2000
- ☐ NTSC Interference
Area: 340 sq km
Population: 4000
Households: 1000
- ☐ Signal below minimum
Area: 107210 sq km
Population: 7678000
Households: 2901000

